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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,282	07/11/2001	David M. Sellepack	026977-0110	9301
26371	7590	03/23/2004	EXAMINER	
FOLEY & LARDNER 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			MCDOWELL, SUZANNE E	
			ART UNIT	PAPER NUMBER
			1732	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/903,282

Applicant(s)

SELLEPACK, DAVID M.

Examiner

Suzanne E. McDowell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-32 is/are allowed.
- 6) ☒ Claim(s) 1 and 12-25 is/are rejected.
- 7) ☒ Claim(s) 2-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7 Separate IDS's.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 13, 18, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevenson (US Patent 5,498,307). Stevenson discloses the claimed limitations as follows: forming a pattern structure, which may be polyethylene film approximately 0.002 to 0.010 inch thick, with an indicia layer or decoration formed of paints, inks, etc, which may be multi-colored (column 4, lines 10-50); attaching the pattern to the mold, which may be done by the use of adhesive (column 4, lines 51-64); charging the mold with resin and agitating it through two or more axes while heating (column 7, lines 1-7), which causes the resin to melt and cover the inner surface of the mold.

Regarding claim 13, Stevenson discloses using overlay and underlay films (column 7, lines 9-19). Regarding claims 21-23, Stevenson discloses using multicolored 3D graphics alternating clear and color (column 7, lines 19-34). Stevenson thereby discloses all of the limitations of claims 1, 13, 18, and 21-23.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson (US Patent 5,498,307). Stevenson discloses the claimed limitations as follows: forming a pattern structure, which may be polyethylene film approximately 0.002 to 0.010 inch thick, with an indicia layer

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or decoration formed of paints, inks, etc, which may be multi-colored (column 4, lines 10-50); attaching the pattern to the mold, which may be done by the use of adhesive (column 4, lines 51-64); charging the mold with resin and agitating it through two or more axes while heating (column 7, lines 1-7), which causes the resin to melt and cover the inner surface of the mold. Regarding claim 12, Stevenson does not teach using a vacuum to hold the insert against the mold. It is generally well known in the rotomolding art to use a vacuum to hold an insert in the mold. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use generally well known methods of rotomolding, such as that of holding an insert in the mold, to modify the method taught by Stevenson. This would allow the molding process to be quicker and more efficient, since the adhesive would not have to be spread onto the pattern and/or mold.

Regarding claim 24, Stevenson does not teach that the pattern shapes are environmental vegetation. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use any well known pattern shapes depending upon the desired finished appearance, particularly since Stevenson discloses trimming a colored pattern in various shapes to form artistic variations (column 11, lines 2-24).

5. Claims 14-16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson as applied to claims 12 and 24 above, and further in view of Spain et al. (US Patent 6,649,003). Stevenson teaches the basic method claimed as discussed above. Regarding claims 14-16, 19 and 20, Stevenson does not teach the specifically claimed paint limitations. Spain et al. teaches a paint process for laminating a layered paint coat, which includes PVDF, and may include polyolefins (column 33, lines 28-34) to a plastic member wherein the paint laminate is placed into a mold and a plastic is injected into the mold, fusing the plastic to the paint (column 27, lines 37-44). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the paint products taught by Spain et al. to further define the patterns taught by Stevenson, in order to form a finished product with a good quality appearance.

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6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevenson as applied to claims 12 and 24 above, and further in view of Gilman Jr. (US Patent 4,913,944). Stevenson teaches the basic method claimed as discussed above. Regarding claim 25, Stevenson does not teach that the finished product is a watercraft. Gilman Jr. teaches a method of forming a boat hull by rotationally molding layers of polyethylene, and also teaches that the outer layer may contain pigment, i.e., a pattern. It would have been obvious to a person of ordinary skill in the art at the time of the invention to form the product taught by Gilman Jr by the method taught by Stevenson, in order to form a patterned watercraft. The motivation to combine the teachings of Stevenson and Gilman Jr. is that both are in the same field of endeavor, that of rotomolding, and solve the same problem, that of patterning the outer layer of a rotomolded article.

#### ***Allowable Subject Matter***

7. Claims 26-32 are allowed.
8. Claims 2-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on M, W, Th 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEM  
March 21, 2004



SUZANNE E. MCDOWELL  
PRIMARY EXAMINER